

**MINUTES OF THE
WILLIAMSON COUNTY PLANNING COMMISSION
MEETING OF SEPTEMBER 9, 2004**

MEMBERS PRESENT

John Cain
Don Crohan
John Lackey, Chairman
Jim Lamb
Robert Medaugh
Tom Moon
Pete Mosley
Tom Murdic

STAFF PRESENT

Greg Langeliers, Planning Director
Floyd Heflin, County Engineer
William Andrews, Assistant to the County Engineer
Robert Karesh, Storm Water Quality Coordinator
Carol Croop, Planning Coordinator
Lori Jones, Receptionist
Lisa Stewart, Planning Assistant
Kristi Earwood, County Attorney's office
Lee Sanders, Code Compliance Director

The Williamson County Regional Planning Commission met in regular session Thursday, September 9th, 2004, at 7:00 p.m., in the Auditorium of the Williamson County Administrative Complex. Commissioners Lane, Pratt, Randolph, and Sanders were unable to attend; also Joe Horne, Community Development Director.

Chairman Lackey called the meeting to order.

Mr. Langeliers made the following announcements:

- Withdrawals from the agenda:
 - Item # 12 (Gerry Snoddy Bed & Breakfast);
 - Item # 14 (Ordinance regarding Events of Public Interest);
 - Item # 17 (Grace Church);
 - Item # 18 (Greyfrair Subdivision); and
 - Item # 28 (Highlands at S. Lick Creek).

CONSIDERATION OF MINUTES:

Chairman Lackey asked for consideration of the minutes of the August 12th, 2004, meeting. A motion was made by Commissioner Murdic to accept the minutes as written, seconded by Commissioner Crohan; and passed by unanimous voice vote.

CONSENT AGENDA:

Mr. Langeliers reviewed the Consent Agenda.

BONDS:

1. Gardens at Old Natchez - Maintenance Bond for On-Site Roads, Drainage and Erosion Control - \$152,000
Recommendation: Extend in the current amount for three (3) months.
2. Heritage Pointe - Maintenance Bond for Roads Drainage and Erosion control - \$40,000
Recommendation: Extend in the current amount for six (6) months.
3. Jubilee Ridge - Maintenance Bond for Roads, Drainage and Erosion Control - \$50,000
Recommendation: Extend in the current amount until the October 2004 meeting.
4. Laurelbrooke, Section VIII - Maintenance Bond for Roads Drainage and Erosion control - \$35,000
Recommendation: Extend in the current amount for six (6) months.

5. Laurelbrooke, Section XI-B - Maintenance Bond for Roads Drainage and Erosion control - \$35,000
Recommendation: Extend in the current amount for six (6) months.
6. Laurelbrooke, Section XI-C - Maintenance Bond for Roads Drainage and Erosion control - \$39,000
Recommendation: Extend n the current amount for six (6) months.
7. Laurelbrooke, Section 11-F - Performance Bond for Roads Drainage and Erosion control - \$246,000
Recommendation: Extend in the current amount for one (1) year.
8. Laurelbrooke, Section 11-F - Performance Bond for Water & Sewer (HVUD) - \$43,400
Recommendation: Reduce to maintenance in the amount of \$21,700 for one (1) year.
9. Legends Ridge, Section VIII - Maintenance Bond for Roads Drainage and Erosion control - \$35,000
Recommendation: Extend in the current amount for six (6) months.
10. McLemore Farms, Section II-A - Maintenance Bond for Roads Drainage and Erosion control - \$25,000
Recommendation: Extend in the current amount for six (6) months.
11. Radcliffe, Section II - Maintenance Bond for Roads Drainage and Erosion control - \$56,000
Recommendation: Extend in the current amount until the October 2004 meeting.

FINAL PLAT:

- 22. Watkins Creek, Section 3, containing 40 lots on 52.91 acres located off North Chapel Road in the 4th Voting District. (1-2004-309)**

Staff recommends approval of this final plat pending the posting of performance bonds as follows:

- 1) Roads drainage and erosion control \$323,000;
- 2) Fire protection and waterline installation \$140,000;
- 3) Sewage collection system \$166,503; and
- 4) Redundancy amount for sewage treatment facility \$525,000.

- 23. Watkins Creek, Section 4, containing 18 lots on 17.66 acres located off North Chapel Road in the 4th Voting District. (1-2004-310)**

Staff recommends approval of this final plat pending the posting of performance bonds as follows:

- 1) Roads drainage and erosion control \$318,000;
- 2) Fire protection and waterline installation \$35,000;
- 3) Sewage collection system \$76,536; and
- 4) The recording of Section Three prior to the recording of Section Four.

24. Keystone, Section 6, containing 17 lots on 22.18 acres located off Columbia Avenue in the 2nd Voting District. (1-2004-420)

Staff recommends approval of the final plat subject to the following conditions:

1. Posting of a performance bond for roads, drainage, and erosion control in the amount of \$131,000;
2. Posting of a maintenance bond in the amount of \$11,439 for water improvements in favor of HB & TS Utility District; and
3. Add an asterisk next to proposed lot #605 and provide a note stating that an engineered site plan will be required.

25. Saddle Springs Estates, Phase 2A, Section 3, containing 3 lots on 14.40 acres located off Bethesda Arno Road in the 3rd Voting District. (1-2004-421)

Staff recommends approval of this final plat pending the following:

1. Posting of a performance bond for roads, drainage, and erosion control in the amount of \$31,000; and
2. That a maintenance bond in the amount of \$2,500 be posted for the installed water and fire protection infrastructure for this section.

26. Laurelbrooke, Section 12-B, containing 27 lots on 73.79 acres located off Sneed Road in the 8th Voting District. (1-2004-417)

This final plat is in order. Approval is recommended, pending:

1. The posting of a performance bond in the amount of \$398,000 for road, drainage and erosion control improvements; and
2. The posting of performance bonds in the amount of \$350,000 for sewer and \$200,000 for water respectively with HVUD.

Commissioner Cain made a motion, seconded by Commissioner Murdic, to accept Staff's recommendation of the items on the Consent Agenda. The motion passed unanimously.

PUBLIC HEARINGS:

ITEM 12 - WITHDRAWN

Site Plan and Conditional Use review for Gerry Snoddy Bed & Breakfast on 112.30 acres located at 5734 N. Lick Creek Rd. (5-2004-040)

ITEM 13

Review of the Draft Storm Water Management Regulations. (6-2004-003)

Mr. Heflin reviewed the background (see agenda report).

Consultant, Mark Hilty with CDM, gave a power point presentation outlining the process that the Storm Water Advisory Committee went through to develop and draft these regulations.

Chairman Lackey opened the public hearing.

There being no persons wishing to speak, the public hearing was closed.

Chairman Lackey pointed out that this is a draft and requires no action at this time from this body. Mr. Heflin agreed, adding that after all the public hearings are held, and comments received, a final draft will be presented to this Commission at next month's meeting to be voted on for approval to proceed to County Commission.

ITEM 14 - WITHDRAWN

Amendments to the Williamson County Zoning Ordinance regarding Events of Public Interest. (6-2004-002)

ITEM 15

Interim Ordinance regarding Telecommunications Towers. (6-2004-004)

Mr. Sanders reviewed the background (see agenda report).

Mr. Sanders introduced Greg Qualls of Qualls Engineering, who is the authorized representative in Tennessee for The Center for Municipal Solution, to address any questions.

Mr. Qualls stated that tonight's purpose is to enact an interim resolution to allow applications for communication sites to continue, while giving them time to modify the existing ordinance and make changes as necessary.

Commissioner Moon proposed that an amendment to this resolution be considered of a flat fee deposit of \$6,500 with no monies to be returned to the applicant.

Mr. Sanders pointed out that the BZA application fee is currently \$30.00 for any request, and this proposed ordinance does not change that fee. Staff has been looking at amending the fee schedule for all zoning and platting review fees; however, they must be addressed separately. The Center for Municipal Solutions has offered to help the County amend its application fee structure during the process of amending our telecommunication ordinance. The interim ordinance only provides escrow money to cover the costs of "Municipal Solutions" review of the application.

Mr. Qualls stated that this proposal to change the County's application fee should probably be addressed in the final ordinance stage, and that this is temporary and terms can be discussed during the process to finish the ordinance. He explained that the escrow fee is established and the escrow account pays the fees for The Center for Municipal Solutions. The escrow fee is paid at the time of submittal that will pay all professional review costs, such as travel time, etc., and insure that all the County's costs are covered.

Commissioner Murdic asked for clarity that for the next six (6) months The Center for Municipal Solutions will be on board to review the applications, help revise the ordinance, and assist Staff. Mr. Qualls stated that to be correct; however, they will continue past the six (6) months to handle and address the applications for the County.

Commissioner Mosley questioned if the fee to be charged will be for co-locations or for new towers. Chairman Lackey pointed out that it is not presently segregated in the ordinance. Commissioner Mosley considered it to be to our advantage, and may encourage them to co-locate on existing towers. Mr. Qualls explained a couple of different ways the escrow account can be utilized.

Commissioner Lamb asked about any plans for recourse for additional monies involved in the application process. Mr. Qualls stated there is no provision for recourse in the interim, but it can be addressed in the final ordinance.

Commissioner Crohan inquired as to how The Center for Municipal Solutions is paid, and Mr. Qualls stated that they bill by the hour at a rate of \$200 per hour. Commissioner Crohan asked who will be responsible for verifying this expense. Mr. Qualls said the County will receive an itemized bill, and Mr. Sanders stated it will be handled and checked like any consulting service (ie: engineering fees, attorney fees, etc.). Commissioner Crohan asked if Mr. Qualls will have staff working out of an office in this area, or if the \$200 hourly rate begins when they leave their office. Mr. Qualls stated that his office is in Huntsville, Alabama, and travel time is charged at half-time, for a rate of \$100 per hour, plus mileage.

Chairman Lackey opened the public hearing.

Ross Kaufman, of 2804 Brightwood Ave., Nashville, TN, is an independent site acquisition agent that has been involved in the development of several hundred wireless sites. He is here representing himself and is also a member of the Tennessee Wireless Association. He is working to try to get a more coordinated response to the ordinance being proposed by the consultant; and they would like to ask this Commission to defer this interim ordinance request for approximately 60 days to allow the time to research the need for this ordinance suggested by the consultant. Mr. Kaufman explained the process followed by his group from the Request For Proposal stage to the completion of an updated ordinance, completely paid for by the industry. He referenced the Storm Water Advisory Committee set up to review and assist in assembling the County Storm Water regulations, and suggested a similar Committee be established for this proposal. Mr. Kaufman addressed the fee issue questioned by some of the Commissioners, pointing out that if the ordinance requires all applicants be subject to the same fee of \$8,500, then the carrier has no incentive to co-locate since the fee is the same regardless of the submittal. He referenced the fee structure used by the City of Brentwood and the City of Franklin. Mr. Kaufman urged this Commission to consider the process used by the Storm Water Management group and defer this item for 60 days.

There being no other persons wishing to speak, the public hearing was closed.

After further discussion, Commissioner Moon made a motion to amend the resolution to a deposit of \$6,500 and any amount not used to remain with the County. The motion failed for lack of a second.

Commissioner Murdic made a motion to approve the resolution as submitted and recommend submittal to the County Commission. Commissioner Lamb seconded the motion, which passed 6 – 2, with Commissioners Crohan and Moon voting no.

ITEM 16

Amendments to the Williamson County Wastewater Regulations. (6-2004-005)

Bo Butler, County consultant with Smith, Seckman, and Reid, reviewed the background (see agenda report).

Mrs. Earwood, County Attorney, explained the proposed changes to the savings provision portion. Should there be a subdivision that has already been approved with a final plat on an alternative system and they need to make a minor change or minor addition, the Wastewater Authority wanted to outline what the parameters were if a change was to be made. Part of their concern was if a property owner should have a failing septic system and want to tie on, then, more than likely, that will not cause a

great change to the treatment and / or disposal ability that would require a final plat amendment. Should a change be proposed to add another subdivision across the street, which is the example that brought this to the Wastewater Authority's attention, we needed a mechanism procedure to go back and reconsider that. Mrs. Earwood reviewed that section of the agenda report.

Chairman Lackey opened the public hearing.

There being no one wishing to speak, the public hearing was closed.

Commissioner Mosley moved to accept and approve Staff's recommendation to amend the Wastewater Regulations, and forward to the County Commission. Commissioner Moon seconded the motion, which passed unanimously.

NON-RESIDENTIAL SITE PLAN:

ITEM 17 - WITHDRAWN

Site Plan review for Grace Church on 4.05 acres located at 4055 Arno Road in the 4th Voting District. (5-2004-007)

RESIDENTIAL SITE PLAN:

ITEM 18 - WITHDRAWN

Revised Site Plan for Greyfrair Subdivision containing 100 lots on 119.05 acres located off Arno Road in the 4th Voting District. (1-2004-207)

PRELIMINARY PLAT:

ITEM 19

Additions to McLemore Farms, Section 2, containing 20 lots on 30.77 acres located off Goose Creek Bypass in the 2nd Voting District. (1-2004-311)

Mr. Langeliers reviewed the background (see agenda report), adding that regarding the mention of possible mining operations, Staff has researched the deeds and determined that this property has not been mined. In conjunction with final plat consideration, the following items shall be addressed:

1. Establishment of a requisite performance bond amount for roads, drainage, and erosion control;
2. Establishment of requisite performance bond amounts for Section II, as specified by HB & TS Utility District;
3. Inclusion of assigned addresses, approved street and subdivision names, and driveway pipe sizes for each lot;
4. Identify all critical lots; including lots affected by the barrow pit. Add appropriate notations to the plat;
5. Establishment of a performance bond amount for this Section for the residual of the sewer system and back-up; and
6. Payment of funds in-lieu-of detention.

Commissioner Moon questioned the placement of the pond and / or treatment facility on the side of a hill. Mr. Langeliers stated that the storage pond and sewage treatment facility is already constructed and in place.

Donnie Cameron, the applicant, was present.

Commissioner Murdic made a motion, seconded by Commissioner Moon, to accept and approve Staff's recommendation. The motion passed unanimously.

FINAL PLATS:

ITEM 20

Pishon Subdivision, Large Lot Easement, containing 5 lots on 59.28 acres located off New Highway 96 West in the 2nd Voting District. (1-2004-411)

Mrs. Croop reviewed the background (see agenda report), recommending approval.

Commissioner Cain made a motion to accept and approve Staff's recommendation. Commissioner Murdic seconded the motion, which passed unanimously.

ITEM 21

Revision to Oakleaf Estate, Section 1, containing Lots 88 & 92 located off Oakleaf Circle in the 2nd Voting District. (1-2004-416)

Mr. Langeliers reviewed the background (see agenda report), recommending approval pending the submission of an updated minor plat revision document meeting all minor revision requirements for review and approval by both the Planning Department and the Williamson County Department of Sewage Disposal Management.

Commissioner Medaugh asked how the septic area got destroyed on lot # 88, and Mr. Langeliers stated it to be his understanding that it was destroyed while houses were being constructed on lots 87, 89, and 90 of the adjacent area. He noted that the homes in this subdivision were constructed several years ago and there are possibly several lots that are not buildable for various reasons. Mr. Langeliers stated that back when Oakleaf Estate was being built out, adjacent lots were not protected as well as they are now during construction, and caused a number of 'dead lots'.

Commissioner Crohan noted his problem with granting this is the possible potential for the owner of lot # 92, or a future owner, to come back for a hardship to put in an accessory structure when adequate space is not available.

Applicant Roseanne Scully, owner and resident of lot # 92, stated several reasons for requesting this revision. She noted some financial benefit, but also since lot # 88 backs up to her lot and it is not developed, it would benefit the overall subdivision. Mrs. Scully stated that the back of her lot is not level and by allowing the requested easement, the owner of lot 88 has agreed to level that area. She addressed the concern regarding any request by herself (or any future owner) for another structure, stating that the Home Owners Association will not allow another home or building on her lot; therefore that would not be an issue.

Mr. Langeliers pointed out that any request for a building in the rear yard would appropriately go before the Board of Zoning Appeals, but prior to that would have to go before the Board of Health to meet the separation from the septic area required in the septic regulations; therefore would be a two (2) step process for this request.

Commissioner Crohan made a motion, seconded by Commissioner Moon, to deny this request. The motion to deny passed 6 – 2, with Chairman Lackey and Commissioner Mosley voting no.

(Item 22 reviewed with Consent Agenda)

(Item 23 reviewed with Consent Agenda)

(Item 24 reviewed with Consent Agenda)

(Item 25 reviewed with Consent Agenda)

(Item 26 reviewed with Consent Agenda)

OTHER BUSINESS:

ITEM 27

S.W.A.C. Minutes

Mr. Heflin noted that this would be the minutes from the last two (2) Stormwater Advisory Committee meetings for this body's review.

ITEM 28 - WITHDRAWN

Highlands at S. Lick Creek, Large Lot Easement Subdivision, containing 7 lots on 87.77 acres located off S. Lick Creek Rd in the 2nd Voting District. (1-2004-206)

ITEM 29

Resolution to express Williamson County's Intent to Maintain newly acquired property as Open Space.

Mr. Langeliers reviewed the background (see agenda report), recommending endorsement and forwarding to the County Commission.

Commissioner Lamb moved to accept and approve Staff's recommendation. Commissioner Cain seconded the motion, which passed by unanimous voice vote.

ITEM 30

Resolution to abandon right of way located in Section One of Oakwood Estates.

Mr. Langeliers reviewed the background (see agenda report), recommending approval as amended and forwarded to County Commission.

Commissioner Cain made a motion to accept and approve Staff's recommendation. Commissioner Medaugh seconded the motion, which passed by unanimous vote.

There being no further business, the meeting was adjourned at approximately 8:45 p.m.

APPROVED BY A MAJORITY VOTE BY THE WILLIAMSON COUNTY PLANNING COMMISSION ON OCTOBER 14TH, 2004.

CHAIRMAN JOHN LACKEY

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